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H. R. 5443

IN THE SENATE OF THE UNITED STATES

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Read twice and referred to the Committee on Foreign Relations

AN ACT

To improve defense cooperation between the Republic of
Korea and the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “United States-Republic
3 of Korea Defense Cooperation Improvement Act of 2008”.

4 **SEC. 2. FINDINGS.**

5 Congress makes the following findings:

6 (1) Close and continuing cooperation in defense
7 between the United States and the Republic of
8 Korea continues to be in the national security inter-
9 est of the United States.

10 (2) The Republic of Korea was designated a
11 Major Non-NATO Ally in 1987, the first such des-
12 ignation.

13 (3) The Republic of Korea has been a major
14 purchaser of United States defense articles and serv-
15 ices through the Foreign Military Sales (FMS) pro-
16 gram, totaling \$6,900,000,000 in deliveries over the
17 last 10 years.

18 (4) Purchases of United States defense articles,
19 services, and major defense equipment facilitate and
20 increase the interoperability of Republic of Korea
21 military forces with United States military forces.

22 (5) Congress has previously enacted important,
23 special defense cooperation arrangements for the Re-
24 public of Korea, as in the Act entitled “An Act to
25 authorize the transfer of items in the War Reserves
26 Stockpile for Allies, Korea”, approved December 30,

1 2005 (Public Law 109–159), which authorized the
2 President, notwithstanding section 514 of the For-
3 eign Assistance Act of 1961 (22 U.S.C. 2321h), to
4 transfer to the Republic of Korea certain defense
5 items to be included in a war reserve stockpile for
6 that country.

7 (6) Such actions by Congress and sales to the
8 Republic of Korea enhance defense ties with that
9 country and ensure favorable consideration by the
10 Government of the Republic of Korea when it con-
11 siders acquisitions of certain weapons systems.

12 (7) Enhanced support for defense cooperation
13 with the Republic of Korea is important to the na-
14 tional security of the United States, including
15 through creation of a status in law for the Republic
16 of Korea similar to the countries in the North Atlan-
17 tic Treaty Organization, Japan, Australia, and New
18 Zealand, with respect to consideration by Congress
19 of foreign military sales to the Republic of Korea.

20 **SEC. 3. SENSE OF CONGRESS.**

21 It is the sense of Congress that expeditious consider-
22 ation of certifications of letters of offer to sell defense arti-
23 cles, defense services, design and construction services,
24 and major defense equipment to the Republic of Korea
25 under section 36(b) of the Arms Export Control Act (22

1 U.S.C. 2776(b)) is fully consistent with United States se-
2 curity and foreign policy interests and the objectives of
3 world peace and security.

4 **SEC. 4. AMENDMENTS TO ARMS EXPORT CONTROL ACT.**

5 The Arms Export Control Act (22 U.S.C. 2751 et
6 seq.) is amended—

7 (1) in section 3 (22 U.S.C. 2753)—

8 (A) in subsection (b)(2), by inserting “the
9 Government of the Republic of Korea,” before
10 “the Government of Australia”; and

11 (B) in subsection (d)—

12 (i) in paragraph (2)(B), by inserting
13 “the Republic of Korea,” before “Japan”;

14 (ii) in paragraph (3)(A)(i), by insert-
15 ing “the Republic of Korea,” before “Aus-
16 tralia”; and

17 (iii) in paragraph (5), by inserting
18 “the Republic of Korea,” before “Aus-
19 tralia”;

20 (2) in section 21 (22 U.S.C. 2761)—

21 (A) in subsection (e)(2)(A), by inserting
22 “the Republic of Korea,” before “Japan”; and

23 (B) in subsection (h)—

1 (i) in paragraph (1)(A), by inserting
2 “the Republic of Korea,” before “Aus-
3 tralia”; and

4 (ii) in paragraph (2), by striking “or
5 to any member government of that Organi-
6 zation if that Organization or member gov-
7 ernment” and inserting “, to any member
8 government of that Organization, or to the
9 Governments of the Republic of Korea,
10 Australia, New Zealand, Japan, or Israel if
11 that Organization, member government, or
12 the Governments of the Republic of Korea,
13 Australia, New Zealand, Japan, or Israel”;

14 (3) in section 36 (22 U.S.C. 2776)—

15 (A) in subsection (b)—

16 (i) in paragraph (1), by inserting “the
17 Republic of Korea,” before “Japan”;

18 (ii) in paragraph (2), by inserting
19 “the Republic of Korea,” before “Japan”;
20 and

21 (iii) in paragraph (6), by inserting
22 “the Republic of Korea,” before “Aus-
23 tralia”;

1 (B) in subsection (c), by inserting “the Re-
 2 public of Korea,” before “Australia” both
 3 places it appears; and

4 (C) in subsection (d)(2)(A), by inserting
 5 “the Republic of Korea,” before “Australia”;

6 (4) in section 62(c)(1) (22 U.S.C. 2796a(c)(1)),
 7 by inserting “the Republic of Korea,” before “Aus-
 8 tralia”; and

9 (5) in section 63(a)(2) (22 U.S.C.
 10 2796b(a)(2)), by inserting “the Republic of Korea,”
 11 before “Australia”.

12 **SEC. 5. AMENDMENT TO FOREIGN ASSISTANCE ACT OF**
 13 **1961.**

14 Section 656(a)(2) of the Foreign Assistance Act of
 15 1961 (22 U.S.C. 2416(a)(2)) by inserting “Republic of
 16 Korea,” before “Australia”.

Passed the House of Representatives September 23,
 2008.

Attest: LORRAINE C. MILLER,
Clerk.